

REMARKS

Claims 1 and 3-8 remain pending in this application. Claim 2 has been canceled without prejudice or disclaimer. Claim 1 has been amended to include the limitation from claim 2. Claims 7 and 8 have been amended to delete reference to claim 2. Accordingly, no new matter has been added by these amendments.

Applicants appreciate the Examiner's acknowledgment of the claim for foreign priority, receipt of acceptable drawings, and consideration of documents cited in the Information Disclosure Statements.

Claims 1, 2 and 4-6 have been rejected under 35 U.S.C. §102(b) as being anticipated by Taniguchi et al. (U.S. Patent No. 6,331,248 B1). The Office takes the position that Taniguchi et al. teaches each of the claimed limitations, but has not shown where Taniguchi et al. teaches, for example, the feature that "at least part of the hollow fiber membrane bundles are divided into at least two, plural small bundles between the lower ring-side adhesion layer and the cartridge head-side adhesion fixation layer."

In fact, Taniguchi et al. does not teach this feature that is illustrated in Figs. 1 and 2 of the present application where the hollow fiber membrane bundle 1 is divided into at least two, plural smaller bundles 10 between the lower ring-side adhesion layer (3) and the cartridge head-side adhesion fixation layer (4). See also, page 10, lines 20-28 of the specification, for example. This feature, unique to the structure of the present invention, exhibits the advantageous effect that sludge aggregates and contaminants are shipped out from the cartridge without accumulating between the hollow fiber membrane bundles as described, for example, at page 5, lines 7-10 and page 12, lines

12-22 of the specification. As Taniguchi et al. does not teach at least this feature, it cannot anticipate these claims. Accordingly, this rejection should be withdrawn.

Claim 3 has been rejected as being obvious under 35 U.S.C. § 103(a) over Taniguchi et al. that allegedly teaches the hollow fiber membrane cartridge of claim 1 and would render obvious the parameters recited in claim 3 because determining these values would be routine for those skilled in the art. Nothing in Taniguchi et al., however, renders obvious a hollow fiber membrane cartridge having the features of claim 1 and the parameters recited in claim 3. Accordingly, this rejection should also be withdrawn.

Claims 7 and 8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Taniguchi et al. in view of Behmann et al. (U.S. Patent No. 6,620,319). This is a very confusing rejection. It purports to address claim 3 (apparently a typographical error), and then makes reference to Mahendran et al. (top of page 4 of the Office Action), who is the second inventor in the '319 patent that was correctly identified as Behmann et al.

Assuming that the '319 Behmann et al. patent is the reference being relied on in this rejection, it is respectfully submitted that these claims are patentable for at least the reasons set forth with respect to claim 1. There are no teachings or suggestions in Taniguchi et al. or Behmann et al., alone or in combination, that would provide any reason to modify the teachings of these references in a manner that would result in the membrane cartridge device of claims 1 or 3-6. Accordingly, this rejection should be withdrawn.

Prompt and favorable reconsideration of this application is requested.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 4, 2008

By: Charles E Van Horn

Charles E. Van Horn
Reg. No. 40,266
(202) 408-4000